

Proposal # 2001- <u>D-201</u> (Office Use Only)
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PSP Cover Sheet (Attach to the front of each proposal)

Proposal Title: _____
 Applicant Name: U.S. Fish and Wildlife Service and Center for Natural Lands Management
 Contact Name: Ms. Sherry Theresa, CNLM : Wayne White, Service
 Mailing Address: 425 E Alvarado St. Suite H. Fallbrook, CA 92028
 Telephone: 760/731-7790
 Fax: 760/731-7791
 Email: stheresa@cnlm.org

Amount of funding requested: \$ 2,720,085

Some entities charge different costs dependent on the source of the funds. If it is different for state or federal funds list below.

State cost _____

Federal cost _____

Cost share partners?____ Yes X No

Identify partners and amount contributed by each _____

Indicate the Topic for which you are applying (check only one box).

- | | |
|--|--|
| <input type="checkbox"/> Natural Flow Regimes | <input type="checkbox"/> Beyond the Riparian Corridor |
| <input type="checkbox"/> Nonnative Invasive Species | <input type="checkbox"/> Local Watershed Stewardship |
| <input type="checkbox"/> Channel Dynamics/Sediment Transport | <input type="checkbox"/> Environmental Education |
| <input checked="" type="checkbox"/> Flood Management | <input type="checkbox"/> Special Status Species Surveys and Studies |
| <input type="checkbox"/> Shallow Water Tidal/ Marsh Habitat | <input type="checkbox"/> Fishery Monitoring, Assessment and Research |
| <input type="checkbox"/> Contaminants | <input type="checkbox"/> Fish Screens |

What county or counties is the project located in? Stanislaus County, San Joaquin County

What CALFED ecozone is the project located in? See attached list and indicate number. Be as specific as possible 13.1 East San Joaquin Basin

Indicate the type of applicant (check only one box):

- | | |
|--|---|
| <input type="checkbox"/> State agency | <input type="checkbox"/> Federal agency |
| <input type="checkbox"/> Public/Non-profit joint venture | <input type="checkbox"/> Non-profit |
| <input type="checkbox"/> Local government/district | <input type="checkbox"/> Tribes |
| <input type="checkbox"/> University | <input type="checkbox"/> Private party |
| <input checked="" type="checkbox"/> Other: <u>Federal/non-profit venture</u> | |

Indicate the primary species which the proposal addresses (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run chinook <u>salmon</u> | <input type="checkbox"/> Spring-run chinook salmon |
| <input type="checkbox"/> Winter-run chinook salmon | <input type="checkbox"/> Fall- & chinook salmon |
| <input type="checkbox"/> Late-fall run chinook salmon | <input type="checkbox"/> <u>Longfin</u> smelt |
| <input type="checkbox"/> Delta smelt | <input checked="" type="checkbox"/> Steelhead trout |
| <input type="checkbox"/> Splittail | <input type="checkbox"/> <u>Striped bass</u> |
| <input type="checkbox"/> Green sturgeon | <input type="checkbox"/> All chinook species |
| <input type="checkbox"/> White <u>Sturgeon</u> | <input type="checkbox"/> All anadromous salmonids |
| <input type="checkbox"/> Waterfowl and Shorebirds | <input type="checkbox"/> <u>American</u> shad |
| <input type="checkbox"/> Migratory <u>birds</u> | |
| <input checked="" type="checkbox"/> Other listed T/E species: <u>Riparian</u> brush rabbit, riparian <u>woodrat</u> | |

Indicate the type of project (check only one box):

- | | |
|---|--|
| <input type="checkbox"/> Research/Monitoring | <input type="checkbox"/> Watershed <u>Planning</u> |
| <input type="checkbox"/> Pilot/Demo Project | <input type="checkbox"/> Education |
| <input checked="" type="checkbox"/> Full-scale Implementation | |

Is this a next-phase of an ongoing project? Yes _____ No X

Have you received funding from CALFED before? Yes _____ No X

If yes, list project title and CALFED number _____

Have you received funding from CVPIA before? Yes _____ No X

If yes, list CVPIA program providing funding, project We and CVPIA number (if applicable):

By signing below, the applicant declares the following:

- The truthfulness of all representations in their proposal;
- The individual signing the form is entitled to submit the application on behalf of the applicant (if the applicant is an entity or organization); and
- The person submitting the application has read and understood the conflict of interest and confidentiality discussion in the PSP (Section 2.4) and waives any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent as provided in the Section.

Joel A. Medlin
Printed name of applicant

Joel A. Medlin
Signature of applicant

B. EXECUTIVE SUMMARY

Project Title: Habitat Acquisition for Riparian Brush Rabbit and Riparian Woodrat
Amount Requested: \$2,720,085
Applicant Name: Center for Natural Lands Management, U.S. Fish and Wildlife Service
Address: 425 E Alvarado Street, Suite H, Fallbrook, California 92028
Telephone: ~~760~~ 1-7790 Fax: 760/731-7791
E-mail of Primary Contact: stheresa(iicnlm.org)

The riparian brush rabbit (*Sylvilagus bachmani riparius*) and the riparian woodrat (*Neotoma fuscipes riparia*) are two of the most critically endangered species in the Central Valley of California. Both species were federally listed as endangered on February 23, 2000 (Service 2000a). A captive breeding effort for the rabbit has been launched by Department of Interior agencies, and is being carried out by the Endangered Species Recovery Program. Acquisition and restoration of riparian habitat is needed to provide secure sites for release of captive-bred rabbits in the future.

The Center for Natural Lands Management and the U.S. Fish and Wildlife Service are aware of at least one private landowner, **Mr. Bernie Wend**, who has expressed interest in selling fee title or a conservation easement for riparian habitat on the Stanislaus River. This proposal is for acquisition of fee title or conservation easement for a parcel or parcels on the south bank, and possibly on the north bank, of the Stanislaus River, near Caswell Memorial State Park. We propose to acquire up to 400 acres of land by fee title, or acquire conservation easements on at least 400 acres of existing riparian habitat, and, if possible, on adjacent agricultural lands if they are determined to be useful in improving riverine ecosystem functions. During Phase 1 of the project, some portion of the Wend property will be acquired and secured with gates and signs, as appropriate. Preliminary surveys for all rabbits species, to determine tasks necessary for reintroduction, will be conducted by the Endangered Species Recovery Program.

Acquisition of riparian land on the Stanislaus River will improve the health of the riverine ecosystem, will benefit numerous high risk species and their habitat, and will yield broad ecosystem benefits. This project is consistent with the objectives of CALFED's Ecosystem Restoration Program Plan, CVPIA, the Goals Project (CALFED 1999a), San Joaquin Valley Upland Species Recovery Plan (USFWS 1998), and the Recovery Plan for Sacramento/San Joaquin Native Fishes (Service 1996).

Follow on phases of the project include (2) acquiring nearby riparian parcels (3) developing a restoration plan, (4) implementing the restoration plan, and (5) monitoring specifically for the restoration efforts, and adaptive management of parcel(s). Restoration efforts will be aimed at increasing the habitat value of the riparian area and adjacent uplands for the riparian brush rabbit, and riparian woodrat, participating in reintroduction efforts for the brush rabbit, and improving fish habitat values in the Stanislaus River.

C. PROJECT DESCRIPTION

1. Statement of the Problem

a. Problem

The riparian brush rabbit (*Sylvilagus bachmani riparius*) and the riparian woodrat (*Neotoma fuscipes riparia*) (also known as the San Joaquin Valley woodrat) are two of the most critically endangered species in the Central Valley of California. Both species were federally listed as endangered on February 23, 2000 (65 FR 8881-8890). Decline of these two species has been the result of riparian habitat loss associated with agricultural and urban development in the San Joaquin Valley and construction and maintenance of flood control levees. Only about 6 percent of the riparian forest community remains in the San Joaquin Valley (CALFED 1999a).

Until recently only one population each of the riparian brush rabbit and woodrat were known to exist, at the 258-acre Caswell Memorial State Park on the Stanislaus River in southern San Joaquin County. The continued survival of riparian brush rabbits and woodrats is tenuous because riparian habitat within the park is subject to periodic and extensive flooding that exposes these two species to increased predation. A second small population of the riparian brush rabbit was discovered in 1999 by the Endangered Species Recovery Program (ESRP) in the southern Delta near Tracy. The continued survival of this population is also threatened by riparian habitat clearing.

Because of the low number and small size of known populations of the riparian brush rabbit, the Fish and Wildlife Service (Service) and Bureau of Reclamation have provided funds to launch a captive breeding effort for this species. The captive breeding effort should begin in FY 2000. In tandem with captive breeding, acquisition and restoration of riparian habitat is needed to provide secure sites for release of captive-bred rabbits in the future. Both captive breeding, and habitat acquisition and restoration are priority one tasks identified in the San Joaquin Valley Upland Species Recovery Plan (1998). Priority one recovery tasks are defined as those tasks needed to prevent extinction of a species.

Significant areas of riparian habitat or restorable lands exist on the Stanislaus River from the vicinity of Caswell State Park downstream to its confluence with the San Joaquin River; on the San Joaquin River up and downstream from its confluence with the Stanislaus River; and in the southern Delta area (Old and Middle River areas). These areas are considered the possible range of the riparian brush rabbit and riparian woodrat.

b. Conceptual Model

The following conceptual model is for the entire project, which consists of five phases: (1) property acquisition, (2) additional property acquisition, (3) development of a restoration plan, (4) implementation of the restoration plan, and (5) monitoring specifically for the restoration efforts and adaptive management of parcel(s). The activities associated with each phase will be

detailed in the Approach section presented below.

In a healthy ecosystem, the stressors, **as** defined in the Ecological Restoration Program Plan (ERPP) (CALFED 1999a) are relatively minor and kept in check by natural processes and adaptations of plants and animals inhabiting the system. In an impacted ecosystem, the natural processes can no longer keep the stressors in check. The system and its inhabitants are forced into a widespread re-equilibration, which may result in lowered species diversity. The San Joaquin River and its tributary, the Stanislaus River, are an obvious example of an impacted system with a multitude of stressors. The widespread adverse effects of these stressors is manifested **in** the numerous animals currently under federal protection. These at-risk species include five fish, one amphibian, one reptile, two birds, and *two* mammals (see Table 1). Additional species have not yet been listed, but are considered candidates for listing, or are deemed Species of Concern by the Service include two reptiles and *two* birds (Service 2000).

The Stanislaus River, a major tributary of the San Joaquin River, is subjected to stress **from** levees and other flood control efforts. The width of the riparian corridor adjacent to the river is greatly reduced from historical levels, which creates less habitat for the brush rabbit and the woodrat. In addition, the uplands outside the levees are in agricultural production, providing no uplands with cover for the brush rabbit and the woodrat to use as refugia during high flows on the river. There is little connection between the floodplain and the river channel and flood way because of the levees. A flood in Caswell Memorial State Park in 1997 may have reduced the known population at that time to **near** extinction (CALFED 1999a). The reduced floodplain corridor concentrates floods that do occur and makes them catastrophic events, especially for the limited populations of riparian species, such **as** the riparian brush rabbit and riparian woodrat. If there is to be a place for captive-bred individuals to be placed, the existing riparian corridor needs to be expanded, and high ground refugia with cover need to be created near the riparian forest corridor where the brush rabbit and woodrat usually live.

c. Hypothesis Being Tested

The hypothesis being tested is that these two highly endangered species that have come to the brink of extinction due to a loss of riparian habitat with adjacent upland refugia along the Stanislaus and San Joaquin Rivers. The purpose of this project is to provide appropriate habitat for captive-bred brush rabbits, to monitor the brush rabbits to adaptively manage for their short term survival, and to contribute to their long term recovery.

Defining Restoration Actions. Acquiring these parcels will benefit the riparian ecosystem, whether the riparian brush rabbit and riparian woodrat continue in existence or not, and therefore the project **is** a full-scale implementation project. Development of appropriate habitat to prevent extinction of the riparian brush rabbit involves targeted research by the Endangered Species Recovery Program. Acquisition of the parcels for reintroduction of riparian brush rabbit is a pilot project **as** captive breeding is just getting underway at Caswell Memorial State Park by the endangered Species Recovery Program, and no introductions have as yet been attempted.

Table 1. Species to benefit from acquisition and restoration of riparian habitat on the Stanislaus River

Common Name	Scientific Name	Federal Status
Riparian brush rabbit	<i>Sylvilagus bachmani riparius</i>	E
Riparian (San Joaquin Valley) woodrat	<i>Neotoma fuscipes riparia</i>	E
Aleutian Canada goose	<i>Branta canadensis leucopareia</i>	T
Bald eagle	<i>Haliaeetus leucocephalus</i>	T
Giant garter snake	<i>Thamnophis gigas</i>	T
Central Valley steelhead	<i>Oncorhynchus mykiss</i>	T
Mountain plover	<i>Charadrius montanus</i>	PT
Little willow flycatcher	<i>Empidonax traillii brewsteri</i>	CA
northwestern pond turtle	<i>Clemmys marmorata marmorata</i>	SC
southwestern pond turtle	<i>Clemmys marmorata pallida</i>	SC

E=Endangered, T=Threatened, PT=Proposed Threatened, CA=candidate,
SC=Species of Concern

Source: U.S. Fish and Wildlife Service 2000

The Proposal Solicitation suggests that ERP strategic goals and identified scientific uncertainties be addressed in this section. The ERP strategic goals (CALFED 2000) addressed by this proposal include:

Goal 1: At-Risk Species - support of recovery efforts for at risk species in the watershed above the Delta. The riparian brush rabbit and riparian woodrat are the focus of this project, and they are both **highly** endangered at-risk species dependent on a functioning watershed in the San Joaquin Valley.

Goal 2: Ecosystem Processes and Biotic Communities - rehabilitate natural processes on the Bay-Delta system to support, with minimal ongoing human intervention, natural aquatic and terrestrial biotic communities, in ways that favor native members of those communities. Protection of riparian forest is the **minimum** goal of this acquisition phase of the project; if agricultural lands outside the existing riparian corridor are feasible to include in the project to further rehabilitate natural processes, they will be included.

Goal 4: Habitats - protect or restore functional habitat types in the watershed for public values, including scientific research and aesthetics. The parcel or parcels targeted by this proposal were identified by researchers from ESRP as brush rabbit reintroduction habitat. The public using Caswell Memorial State Park directly across the river will be able to enjoy the aesthetic values inherent in riparian forest protected directly across the river.

Goal 5: Non-native invasive species - prevent establishment of additional non-native species and reduce the negative biological and economic impacts of established non-native species. Non-native invasive species are known to exist and require management at Caswell Memorial State Park. Surveys in this proposal will be used to determine the amount of management required for non-native invasive species on the parcels being targeted in this proposal.

CALFED identified specific **scientific uncertainties** that are best addressed by demonstration or implementation projects. The uncertainties addressed by this proposed implementation project include:

- non-native invasive species
- channel dynamics, sediment transport, and riparian vegetation
- flood management as an ecosystem tool
- beyond the riparian corridor

Non-native invasive species control is being carried out in Caswell Memorial State Park across the river from the parcel or parcels being considered for acquisition in this effort. Giant cane (*Arundo donax*) and tree of heaven (*Ailanthus altissima*) are the targets of the efforts there. Once acquisition of the target parcel or parcels has occurred, they will be thoroughly surveyed for non-native invasive plants, and efforts will be coordinated with state parks personnel to remove or prevent the invasion of the property with these invasive non-native species. Initial surveys, planning for control of non-native species, implementation of proposed methods,

monitoring of results, and adaptive management of practices ~~will~~ be implemented in later phases of the project.

Channel dynamics, sediment transport, and riparian vegetation. Phase 1 of this project proposes to preserve existing riparian forest land. Later phases include planning for creation of new habitat, if feasible, with an effort to restore some measure of meander dynamics. We propose to explore the ability, within the physical constraints of the land we are able to acquire, to restore the channel dynamics, in order to improve the long term health of the riparian community. In later phases we will explore the feasibility of introducing coarse sediment and large woody debris into the river channel, but without attempting to match the historical scale of such material inputs.

CALFED requested that applicants proposing to purchase floodplain lands or easements are asked to **describe the restoration potential that such lands provide, such as: contiguity with other floodplain land dedicated or available for restoring ecological processes, and the potential width of riparian corridor that can be restored.** The floodplain lands we propose to acquire in Phase 1 are just upstream and adjacent to the boundaries of the San Joaquin River National Wildlife Refuge (NWR)(see Figure 3). The San Joaquin River NWR is managing habitat for the riparian brush rabbit and riparian woodrat, and owns riparian habitat on both the San Joaquin River and the Stanislaus River. In addition, the proposed parcel or parcels are directly across the river from Caswell Memorial State Park, where brush rabbit protection and recovery activities are taking place. Therefore the target parcel or parcels are contiguous to two areas managed for the same endangered species, and will augment and complement the nearby projects. The riparian corridor on the Wend property may not need restoration efforts; any restoration efforts would be directed at moving levees away from the river, if adjacent agricultural lands are available for sale or conservation easement, and if such a change would be technically feasible.

Flood management and beyond the riparian corridor. CALFED agrees that acquisition of floodplain land or easements to provide opportunities for restoring channel-floodplain connectivity will provide flood management benefits. ~~Our~~ proposal **is** to acquire existing riparian land, and to purchase land or easements on some agricultural land behind the existing levees, so that the levees could be moved away from the river to allow for greater river channel dynamics at less cost, over the long ~~run~~, to human farming activities. Moving the levees **can** also be coordinated with providing much-needed upland refugia for riparian brush rabbits and riparian woodrats to protect them during flood events. The 1997 floods in Caswell Memorial State Park were a catastrophic and species-threatening event for the brush rabbits in that location, which was the only known population at that time.

Substantial improvement in knowledge. The proposed Phase 1 project is primarily an acquisition project. ESRP proposes to do some preliminary research work at the site in order to support reintroduction of captive-bred brush rabbits at the site. This project, with the preliminary research element, will result in substantial improvement in knowledge about reintroduction of brush rabbits, as reintroduction is just being attempted for the first time. Further phases of the

project will involve further research tasks as riparian brush rabbits are introduced and monitored to assess the level of success of the project.

d. Adaptive Management

Use of adaptive management is intertwined with how we think about the project. Our thinking of the potential benefits and effects of proposed actions are summarized in the conceptual model already presented. As new information becomes available, the conceptual model may need to be refined in response to adaptive management needs. We expect that the conceptual model presented here is probably robust enough to meet the needs of any adaptations that may be required once the restoration planning is started. Adaptive management requires that restoration planning and implementation include feedback loops and iterative planning, rather than one-time planning and then rigid implementation. As the project progresses and more is learned about brush rabbit and woodrat biology, restoration tasks will be adapted and modified to better serve the needs of these critically endangered species.

e. Educational Objectives

There is no direct educational objective to this proposed project.

2. Proposed Scope of Work

a. Location and/or Geographic Boundaries of the Project

The proposed project is located on the Stanislaus River in Stanislaus County, which is CALFED Ecozone 13.1. Figure 1 presents a general overview of the site location, Figure 2 presents a map of the holdings and planning boundary for the San Joaquin River NWR, and Figure 3 presents a portion of the Ripon 7.5-minute USGS quadrangle showing the proposed project. The center of the project area is at approximately latitude 37 degrees, 41 minutes 30 seconds north, and longitude 121 degrees 11 minutes 0 seconds west.

b. Approach

Phase 1 tasks include (a) negotiating with Mr. Bernie Wend for purchase of fee title or easement, and identifying and negotiating with other landowners, (c) initial basic land management protection activities, (d) pre-release brush rabbit surveys, and (e) reporting requirements.

Task A. Mr. Bernie Wend will be approached about the extent of his holdings that he is interested in selling, and the willingness of other landowners in the area to sell will be further evaluated. The Service and CNLM will notify landowners and obtain permission prior to conducting any appraisals. The Service Realty Office will take the lead in identifying sellers and conducting purchase transactions. Prices offered for parcels will be in compliance with federal land acquisition standards and procedures. Land will be purchased only from willing sellers and offers made will be based on an approved appraisal and existing market value. We are proposing

to buy land in fee title, or acquire conservation easements, depending on the interests of the seller and the potential restoration needs of the particular portion of the parcel being offered.

We propose to acquire up to 400 acres of land in fee title on the Stanislaus River on either the south or north shores in the vicinity of Caswell Memorial State Park. If it is appropriate, some or all of ~~this~~ land will be brought under conservation easements, and if that is the case, more than 400 acres could be included in the project ~~with~~ the money requested. It is expected that the project will result in a mix of fee title and conservation easement purchases. The choice of this area for protection and enhancement for the riparian brush rabbit and riparian brush rabbit is based on ESRPs' familiarity with the site as part of their ongoing research on the endangered species, and their assessment of the habitat potential for the parcels. CNLM staff and Service staff from the San Joaquin River NWR have also visited the parcels and determined that they have excellent potential. Protection and enhancement is expected to be possible for native and at-risk species, contiguity with non-urban or similarly-managed lands, the low potential for conflict with neighboring land use, and the low risk of downstream flooding.

The Center for Natural Lands Management (CNLM) is a nonprofit organization with ten years of experience in acquiring and managing land to enhance ecosystem values in California. CNLM will assist with land and easement purchase efforts, CNLM will hold title to the land or will hold conservation easements for a up to three years, until a landowner able to hold the land without a management endowment is identified. Potential permanent landowners include the San Joaquin River NWR, Caswell Memorial State Park, and the Stanislaus Audubon Society. The Service will actively participate in securing a permanent landowner for the parcel(s).

Task B. CNLM will identify and *carry* out initial land management tasks, such as installing gates to limit access, posting signs to limit hunting and dogs on the property, and removing trash, if necessary. Other land management tasks will occur later in the project and will be based on site surveys and development of the management plan in Phase 3.

Task C. Surveys will be conducted by ESRP, under contract to the Service, to conduct pre-release surveys for the riparian brush rabbit. ESRP staff are the acknowledged experts on this species, have conducted most of the research to date, and are conducting the captive breeding and release program.

Task D. Project management activities include providing quarterly fiscal and programmatic reports to CALFED by the tenth of the month following the end of each quarter (January, April, July, and October).

In Phase 2 the Service and CNLM propose to acquire additional acreage for re-introduction sites for the riparian brush rabbit. Acquisitions will be in the form of either fee title or conservation easements. Similar initial tasks will be require\$ as described for Phase 1. A permanent land owner for properties acquired in Phase 1 will be identified.

In Phase 3 the Service, CNLM, **ESRP** , and the permanent landowner will develop an ecological

management plan to improve the parcels acquired under Phase 1 for riparian brush rabbit, riparian woodrat, and fish species. Specific objectives will be determined to benefit each of the rare native species that could inhabit the site. Some brush rabbit introduction tasks may occur in this Phase if preliminary results from the ecological management plan development indicate such an action to be feasible. Environmental review documents will be developed.

In Phase 4 larger habitat improvement tasks on Phase 1 properties will occur if necessary. An ecological management plan for Phase 2 properties will be prepared, and identified projects will be implemented.

In Phase 5, monitoring will occur to assess the status of released rabbits and their offspring. Phase 5 will commence at the same time as Phase 4. Specific objectives will be evaluated, and the management plan developed in Phases 3 and 4 will be assessed and revised as needed using adaptive management techniques.

c. Monitoring and Assessment Plans

Ecological management plans will be developed in Phase 3. All generated data will be reported to the Sacramento Office of the Service and the CNLM or the current landowner.

d. Data Handling and Storage

The Service will act as the official repository for all data reports generated by this project, and will provide the data to the public upon request. Realty acquisition documents will be kept in the Realty Office; environmental and planning documents will be kept by the Service Endangered Species Division. Scientific research field notes will be kept by ESRP.

e. Expected Products/Outcomes

The outcome of this proposal will be the acquisition, in fee title or conservation easement, of approximately 400 acres on the Stanislaus River from willing seller(s). The future outcome of the entire project will be protection and enhancement of that acreage consistent with the CALFED ERPP, the Recovery Plan for the Sacramento/San Joaquin Native Fishes (Service 1996), and the Recovery Plan for Upland Species (Service 1998). Expected products in Phase 1 include environmental documents required for the property transfer, and in Phase 3, the development of an ecological management plan. Reports on the brush rabbit research will be produced for all phases of the project.

f. Work Schedule

Phase 1: We plan to acquire the parcel(s) ~~within~~ two years of funding allocation. The exact size(s) and location(s) of the parcel(s) are dependent on the amount of the funding and seller willingness. One parcel ~~has~~ been identified. *Estimated start date = receipt of funding (estimated at December 2000); estimated date of completion = December 2002*

Phase 2: We plan to acquire additional riparian habitat and neighboring agricultural land, from willing sellers only. We assume that acquiring additional land will contribute greatly to the habitat preservation efforts in the area, and will contribute to the recovery of the brush rabbit and woodrat. *Estimated start date = receipt of funding (estimated at December 2001); estimated date of completion = December 2004*

Phase 3: We plan to develop the ecological management plan for the properties acquired in Phase 1, and develop the plan within two calendar years of acquiring the property. Upon completion of the restoration plan, proposals will be developed and submitted to either the ERPP or CALFED's Directed Programs for funding of the ecological management actions, studies, and monitoring plans. Some brush rabbit introduction tasks and monitoring may occur in this Phase if timing is appropriate for the captive-breeding program, and necessary management tasks are small. *Estimated start date = receipt of funding (estimated at December 2001); estimated date of completion = December 2004.*

Phase 4: Planning for habitat improvement on properties acquired in Phase 2 and implementation of habitat improvement tasks for properties acquired in Phase 1 will be accomplished. *Estimated start date = December 2002; estimated date of completion = December 2005.*

Phase 5: Continued or initial release of captive-bred rabbits will be initiated within one year of receipt of funding. Monitoring to assess the status of released rabbits will occur. Phase 5 will commence at the same time as Phase 4. The ecological management plan developed in Phases 3 and 4 will be assessed and revised. *Estimated start date = December 2002; estimated date of completion = December 2005.*

g. Feasibility

A CEQANEPA document will be prepared, either an EIS/EIR or an EA, as part of the process for restoration actions to be conducted upon acquisition of the property. One of the objectives of the CEQANEPA process is to address all known implementation issues; and to establish a framework for handling additional implementation issues that occur after the environmental document is adopted.

D. APPLICABILITY TO CALFED ERP GOALS AND IMPLEMENTATION PLAN AND CVPIA PRIORITIES

1. ERP Goals and CWIA Priorities

The ERP strategic goals (CALFED 2000) addressed by this proposal include:

Goal 1: At-Risk Species - support of recovery efforts for at risk species in the watershed above the Delta.

Goal 2: Ecosystem Processes and Biotic Communities - rehabilitate natural processes on the Bay-Delta system to support, with minimal ongoing human intervention, natural aquatic and terrestrial biotic communities, in ways that favor native members of those communities.

Goal 4: Habitats - protect or restore functional habitat types in the watershed for public values, including scientific research and aesthetics.

Goal 5: Non-native invasive species - prevent establishment of additional non-native species and reduce the negative biological and economic impacts of established non-native species.

2. Relationship to Other Ecosystem Restoration Projects

The floodplain lands we propose to acquire in Phase 1 are just upstream and adjacent to the boundaries of the San Joaquin River National Wildlife Refuge. The San Joaquin River NWR is managing habitat for the riparian brush rabbit and riparian woodrat, and owns riparian habitat on both the San Joaquin River and the Stanislaus River. In addition, the proposed parcel or parcels are directly across the river from Caswell Memorial State Park, where brush rabbit protection and recovery activities are taking place. Therefore the target parcel or parcels are contiguous to two areas managed for the same endangered species, and will augment and complement the nearby projects. This project is an integral part of these other efforts.

3. Requests for Next-Phase Funding

This is the first phase of this project.

4. Previous Recipients of CALFED or CVPIA Funding

No funding for this project has been previously requested from either CALFED or CVPIA.

5. System-wide Ecosystem Benefits

Increasing riparian habitat protection, and possibly increasing the width of the riparian corridor at the upper reaches of the Stanislaus River property managed by the San Joaquin River NWR will benefit both the Stanislaus River downstream of the proposed acquisition, but also contribute to ecosystem restoration on the San Joaquin River. Efforts at this site to increase fish habitat will benefit the entire water system in which the fish are found. Knowledge gained concerning reintroduction of brush rabbits at the targeted riparian property can be used in later reintroductions on the San Joaquin River itself.

E. QUALIFICATIONS

Center for Natural Lands Management

The Center for Natural Lands Management was founded in 1990 and incorporated as a nonprofit

tax exempt organization under section 501(c)3 of the Internal Revenue Service to protect biological resources through the long-term stewardship of mitigation and conservation lands. The Center is apolitical and does not lobby for or against projects. The main office is located in northern San Diego County, with satellite offices located in Arcata, Sacramento, Santa Cruz, Kern, Riverside, Thousand Palms, and Orange Counties.

The Center manages 21 preserves in California through funding from nearly 14.5 million in endowments and capitalized contracts. The preserves contain 45,000 acres ranging from dune habitats in Eureka to wetlands in the delta to sage scrub in Southern California. Well over 80% of the Center's activity is devoted to establishing and managing preserves.

On January 28, 2000, the Western Section of the Wildlife Society presented the Center's Executive Director Sherry Teresa with the Conservationist of the Year Award for her work in creating and directing the Center.

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service, Sacramento Realty Office: The Service currently manages over 670 square miles of habitat within the National Wildlife Refuge System in California. The Service has an ongoing land acquisition program that covers 16 refuges and wildlife management areas within the Central Valley and San Francisco Bay area. The Sacramento Realty Office's staff of eight has over 150 years of combined experience in the areas of realty, appraisal, and environmental protection. The Sacramento Realty Office, led by Chief Howard K. Stark, will coordinate acquisition of these properties.

Biosketch Mr. Howard K. Stark

- Multi-disciplinary qualifications as Supervisory Realty Specialist, Appraiser, Facilities Master Plans Officer, Environmental Planner.
- Over 10 years of broad-based management experience in real estate, land use planning, and environmental compliance fields with four federal agencies.
- Track record of success in managing complex projects involving large expenditures of public funds on controversial programs.
- Initiated the \$12 billion Santa Anna River Flood Control Project and managed the \$6 million annual military recruiting station leasing program in Southern California as the Land Acquisition manager for the Army Corps of Engineers.
- Currently manages a Federal land acquisition program ranging from \$7 to 40 million annually with a \$672,000 annual operating budget. The office has responsibility for the Service's realty program in the Central Valley and San Francisco Bay. In fiscal years 96/97 the office acquired 21.38 square miles of habitat in fee and conservation easements within California.

U.S. Fish and Wildlife, Sacramento Fish and Wildlife Office (SFWO): Once these properties are acquired, staff from the SFWO will work with Realty to transfer the property to a third party. The largest Fish and Wildlife Service field office in the national, the SFWO is responsible for the recovery and stewardship of more than 200 listed and proposed species, of which 161 occur in

the San Francisco Bay and Delta region. The SFWO's staff has well over 200 years of combined experience in ecosystem management, endangered and threatened species conservation and monitoring, and resource negotiation. Under the leadership of Field Supervisor Wayne S. White, the SFWO, will coordinate the ecological management plan, oversee investigations and monitoring efforts, and assist in property transfer.

Endangered Species Recovery Program

In July 1992, the U.S. Fish and Wildlife Service joined with the U.S. Bureau of Reclamation to establish the Endangered Species Recovery Program. This program is under the direction of Dr. Patrick A. Kelly, and is administered by the California State University (CSU) Stanislaus Foundation. Dr. Daniel F. Williams, Professor at CSU, Stanislaus is the Fish and Wildlife Service coordinator for the recovery program. The Program's planning area encompasses the San Joaquin Valley including the upper Cuyama Valley and the Carrizo Plain Natural Area, and, for issues involving the San Joaquin kit fox, the Salinas River watershed. Since the fall of 1992, program biologists have conducted intensive ecological studies on ten federally-listed, upland species consisting of five animal and five plant species: San Joaquin kit fox, giant kangaroo rat, Tipton kangaroo rat, Fresno kangaroo rat, blunt-nosed leopard lizard, California jewelflower, Kern mallow, Hoover's woolly-star, San Joaquin woolly-threads, and Bakersfield cactus. They have also studied two riparian species, the riparian brush rabbit and the riparian woodrat. Research underway includes defining geographic ranges and estimating population numbers, monitoring population trends, identifying environmental factors that influence those trends, assessing potential habitat management strategies, and measuring range-wide genetic population diversity and structure. In addition to these, population and ecological studies, the Recovery Program has surveyed natural lands for the status of listed and candidate species.

ESRP will provide two individuals each with four years of experience and the following qualifications: 1) knowledge of capture, handling, and marking methods for kangaroo rats and San Joaquin kit fox 2) familiarity with inventory methods such as spotlighting, trapping, visual surveys for listed and candidate animal species in the San Joaquin Valley 3) ability to evaluate habitat for listed and candidate species 4) skill in report preparation and MS-DOS and Windows based computers (Microsoft Word, Excel; WordPerfect) 5) permits to handle sensitive, threatened, endangered, or proposed species (U. S. Fish and Wildlife Service Subpermit No.

WILLDF-12 and State of California Department of Fish and Game Scientific Collector's Permit #9537 and 9538).

Dr. Williams and Laurissa Hamilton would serve as advisors to the project with Dr. Williams also acting as principal investigator. Both have been heavily involved in establishing a captive breeding program for riparian brush rabbits since June 1998.

F. COST

1. Budget

These acquisitions are located in CALFED's East San Joaquin ~~Basin~~ Ecological Management Unit. Protection of this habitat through acquisition will meet several CALFED objectives and is consistent with CALFED's ERPP for several species. Acquisition of these properties will provide ideal habitat for riparian brush rabbits and riparian woodrats. At-risk fish species will also benefit once river enhancement efforts are undertaken.

Much more detail is provided for costs in Phases 1 and 2 of the proposed project. Costs for the entire project are summarized in Table 2, while the detailed costs are presented in Table 3. Completion of one phase of the project will modify the amount of funding required to complete subsequent phases.

Phase 1

Task A. Land acquisition costs for Phase 1 are based on recent appraisals completed by the Service Realty Office for the San Joaquin River NWR for other acquisitions in the area of this project. The actual sale price may need to be adjusted following completion of appraisals at the time funding becomes available. We have included funds for purchase of existing riparian areas at \$2,000 per acre, and funds for agricultural land at \$8,000 per acre. Mr. Bernie Wend owns approximately 100 acres of riparian forest. In addition he owns approximately 490 acres of agricultural land, but not all the agricultural land may be available, or appropriate, for acquisition for this project. If not all the land is available, other nearby land could be purchased or easements negotiated. If easements are negotiated with Mr. Wend instead of acquisition, the remaining acquisition funds will be used to purchase other properties in the target area shown on Figures 1 and 2. Other Service Task A costs are based on Service Realty Division experience with land acquisition efforts. CNLM Task A costs are based on a preliminary site visit by an experienced land manager and a Property Analysis Record (PAR) using CNLM's extensive experience with habitat land acquisitions in California.

Task B. CNLM's staff determined during a preliminary site visit that initial efforts to secure the target property should include installation of gates on three roads to limit access, installation of signs, and possibly trash removal. Other direct costs include liability insurance for the property and vehicle mileage costs. Mr. Wend was consulted and felt comfortable with the proposed access controls.

Task C. ESRP staff have already conducted some limited research on Mr. Wend's property with his permission. ESRP has estimated hours and equipment costs to conduct pre-release surveys for captive-bred brush rabbits. The purpose of the pre-release surveys is to ascertain that local rabbits, of any species, are not carrying any diseases that could affect released brush rabbits. Results of the survey will be used to develop the ecological management plan tasks.

Task D. Project management activities include providing quarterly fiscal and programmatic reports to CALFED by the tenth of the month following the end of each quarter (January, April, July, and October). The report shall include: the amount invoiced to the contracting agency, a description of activities performed during the quarter, the percentage of each task completed, the deliverables produced, problems and delays encountered, and a description of any amendments or modifications to the contract.

Phase 2

Phase 2 has essentially the same proposed activities as Phase 1, except that we expect to negotiate with two additional landowners and acquire by fee title or easement 1,100 acres, or approximately three times as much property. Therefore, the negotiation tasks have about double the budget of Phase 1, and the land management tasks have approximately three times the budget of Phase 1.

Phase 3

CNLM expects to manage the land for a total of three years before transferring management responsibilities to a government or nonprofit entity with the ability to manage the property without an endowment. Since there is one year of management funds in Phase 1, there are then two years of management funds in Phase 3 for the lands acquired in Phase 1. Management includes trash removal, replacing signs, and exotic weed control. There are also funds for CNLM to transfer management of the Phase 1 properties to some other public or non-profit entity.

Funds for release of rabbits by ESRP are included in this Phase, as little environmental enhancement is expected to be required for the existing riparian forest habitat. Rabbits will be collared, released, and monitored monthly to determine their location and status. In addition, rabbits and their young will be trapped once in order to change or update collars, or to install collars. ESRP estimates that a total of 24 collars will be used and refurbished. Collars initially cost \$225 each, and then cost \$105 to refurbish once.

Environmental planning and compliance documents are expected to be contracted out by the Service in order to maintain a firm schedule.

Phases 4 and 5

Costs for Phases 4 and 5 are estimates and will be revised once preceding phases are completed or underway.

Salaries

The job categories for staff at the Service, CNLM, and ESRP included in this proposal and their compensation ranges, including some benefits, are as follows:

Service appraisers and project managers	\$65-66/hour
CNLM contract manager	\$35-45/hour
CNLM land management worker	\$17/hour
ESRP field biologists	\$22/hour
ESRP project manager	\$50/hour

Overhead

Overhead charges are included on labor hours only in this proposal, and address some personnel benefits, and office support such as rent and utilities.

2. Cost-Sharing

No cost-sharing opportunities have been identified for Phase 1. Cost-sharing opportunities may be explored in the future.

G. LOCAL INVOLVEMENT

The Service anticipates that some local landowners, levee districts, or elected officials will have issues or concerns during the environmental planning phase (Phase 3 and 4) of this project. Anticipated issues include economic effects of converting agricultural land to habitat; hydrological effects of changes to the levees; and downstream flood protection.

The Service has established outreach and public involvement guidelines for land acquisitions that will be followed. Briefings occur in one-on-one meetings, group meetings, or by mailing. The Service maintains a mailing list of numerous individuals, agencies, news media, and other organizations which receive routine updates and other mailings. The public will have opportunities to comment on the EIS, which will address management of acquired areas.

The Service works only with willing sellers. Adjacent landowners and others will continue to have publicized opportunities to make comments on environmental documents for acquired lands.

H. COMPLIANCE WITH STANDARD TERMS AND CONDITIONS

The U.S. Fish and Wildlife Service, as federal agency acting as a representative of the public, agrees to adhere to all standard terms and conditions identified and applicable to the type of project (real estate transaction) being proposed. For acquisition of the property, the Service will follow standard procedures for acquisition and comply with the "Uniform Appraisal Standards for Federal Land Acquisitions." The Service shall be responsible for all acquisition costs including appraisal costs and reasonable and customary transfer costs. For the restoration, the Service will cooperate with Federal, State, and private partners in the design and implementation of the project. Acquisition and restoration of the parcel(s) may require preparation of the following documents and permits: Environmental Impact Statement to comply with NEPA and

Table 2. Budget summary

Phase	Labor Hours	Direct Salary/ Benefits (\$)	Service Contracts (\$)	Material/ Acquisition costs (\$)	Mise. Direct costs (\$)	Over-head (20%) (\$)	Total Cost (\$)
Phase 1: Acquisition	1,027	46,016	50,000	2,603,262	1,604	19,203	2,720,085
Phase 2: Additional Acquisition	2,773	113,298	100,000	6,017,786	4,812	42,659	6,278,555
Phase 3: Planning and Brush Rabbit Introduction	1,830	58,670	132,000	13,250	3,826	11,734	219,480
Phase 4: Implementation and Planning	320	20,000	632,000	0	5,000	5,000	662,000
Phase 5: Monitoring	2,760	83,000	0	39,600	4,300	16,600	143,500
TOTAL PROJECT	8,710	320,984	914,000	8,673,898	19,542	95,196	10,023,620

Table 3. Detailed budget

Year	Task	Labor Hours	Salary Benefits (%)	Service Contracts (\$)	Material Acquisition costs (\$)	Misc./other Direct Costs (\$)	Overhead (20%) (\$)	Total Cost (\$)
Phase 1: Land Acquisition								
2000-2002	Task A: Acquisition							
	Service Subtasks							
	Appraisal	343	22,400				4,480	26,880
	Title search, escrow, deed recording	115	7,600				1,520	9,120
	Properly survey, contaminant survey, and relocation			50,000			10,000	60,000
	Acquisition				2,600,000			2,600,000
	CNLM Subtasks							
	CNLM contracts, properly tax exemption, reporting	38	1,700				340	2,040
	Task B: Initial Land Security Efforts (CNLM)	30	500		3,050	1,120	100	4,770
	Task C: Pre-release Rabbit Survey (ESRP)	281	6,116		212	484	1,223	8,035
	Task D: Management							
	Service Management	150	5,250				1,050	6,300
	CNLM Management	50	1,750				350	2,100
	ESRP Management	20	700				140	840
Total Phase I								\$2,720,085

Year	Task	Labor Hours	Salary/ Benefits (\$)	Service Contracts (\$)	Material/Vacq. costs (\$)	Misc./other Direct Costs (\$)	Overhead (20%) (\$)	Total Cost (\$)
Phase 2: Additional Land Acquisition								
2001-2004	Task A: Acquisition							
	Service Subtasks							
	Appraisal	686	44,800				8,960	53,760
	Title search, escrow, deed recording	230	15,200				3,040	18,240
	Property survey, contaminant survey, and relocation			100,000			20,000	120,000
	Acquisition				6,008,000			6,008,000
	CNLM Subtasks							
	CNLM contracts, property tax exemption, reporting	114	5,100				1,020	6,120
	Task B: Initial Land Security Efforts (CNLM)	90	1,500		9,150	3,360	300	14,310
	Task C: Pre-release Rabbit Survey (ESRP)	843	18,348		636	1,452	3,669	24,105
	Task D: Management							
	Service Management	600	21,000				\$ 4,200	25,200
	CNLM Management	150	5,250				\$ 1,050	6,300
	ESRP Management	60	2,100				\$ 420	2,520
Total Phase 2								6,278,555

Year	Task	Labor Hours	Salary/ Benefits (\$)	Service Contracts (\$)	Material/Acq. Costs (\$)	Misc./other Direct Costs (\$)	Overhead (20%) (\$)	Total Cost (\$)
Phase 3: Environmental Planning and Compliance, Ongoing Property Management, and Rabbit Introduction for Phase 1 Property								
2001-2004	Task A Planning and Environmental Compliance							
	Public involvement			20,000				20,000
	Develop and analyze restoration alternatives			40,000				40,000
	Prepare Environmental Management Plan			32,000				32,000
	Prepare EIS			10,000				40,000
	Task B: Ongoing Property Management and Transfer of Management (CNLM)	300	7,200		900	2,500	1,440	12,040
	Task C: Brush Rabbit Introduction, Monitoring, and Trapping	880	25,020		12,350	1326	5,004	43,700
	Task D: Management							

	Service Management: Initiate and manage project, coordinate and review documents	500	20,000					4,000	24,000
	CNLM Management	50	1,750					350	2,100
	ESRP Management	100	4,700					940	5,640
Total Phase 3									219,480

Year	Task	Labor. Hours	Salary/ Benefits (\$)	Service Contracts (\$)	Material Acq. costs (\$)	Misc./other Direct Costs (\$)	Overhead (20%) (\$)	Total Cost (\$)
Phase 4: Implementation on Phase 1 Properties, and Planning for Phase 2 Properties								
2002-2005	Task A Implement for Ecological Enhancement (estimate)			500,000				500,000
	Task B: Planning and Environmental Compliance							
	Public involvement			20,000				20,000
	Develop and analyze restoration alternatives			40,000				40,000
	Prepare Environmental Management Plan			32,000				32,000
	Prepare EIS			40,000				40,000
	Task C: Management	320	20,000			5,000	5,000	30,000
Total Phase 4								662,000

Year	Task	Labor Hours	Salary/ Benefits (\$)	Service Contracts (\$)	MaterialAcq. costs (\$)	Misc./other Direct Costs (\$)	Overhead (20%)(%)	Total Cost (\$)
Phase 5: Brush rabbit monitoring								
	Continue Brush Rabbit Monitoring	2,700	80,000		39,600	4,300	16,000	139,900
	Phase 5 Management	60	3,000				600	3,600
Total Phase 5								143,500
TOTAL PROJECT								10,023,620

CEQA, U.S. Army Corps of Engineers, Section 404 permit; USFWS, Section 7 consultation under ESA; Stream alteration permits; National Historic Preservation Act, Section 106 compliance; and Regional Water Quality Control Board Permits.

I. LITERATURE CITED

CALFED Bay-Delta Program. 2000. 2001 Proposal Solicitation.

_____. 1999a. Ecosystem Restoration Program Plan. Volume I. Draft Programmatic EIS/EIR Technical Appendix. June 1999.

_____. 1999b. Ecosystem Restoration Program Plan. Volume II. Draft Programmatic EIS/EIR Technical Appendix. June 1999.

U.S. Fish and Wildlife Service. 2000a. Endangered and Threatened Wildlife and Plants; Final Rule to List the Riparian Brush Rabbit and the Riparian, or **San** Joaquin Valley, Woodrat as Endangered. Federal Register, Volume 65, Number 36, February 23, 2000.

_____. 2000b. Species database query results and personal communications with species experts in the Endangered Species Division, Sacramento, California.

_____. 1998. San Joaquin Valley Upland Species Recovery Plan. Prepared by the Endangered Species Recovery Program for the Service.

_____. 1996. Recovery Plan for Sacramento/San Joaquin Native Fishes. November.

J. THRESHOLD REQUIREMENTS

Attached please find the following:

Figures (3)

Letters of Notification (3)

Environmental Compliance Checklist

Land Use Checklist

Contract Forms

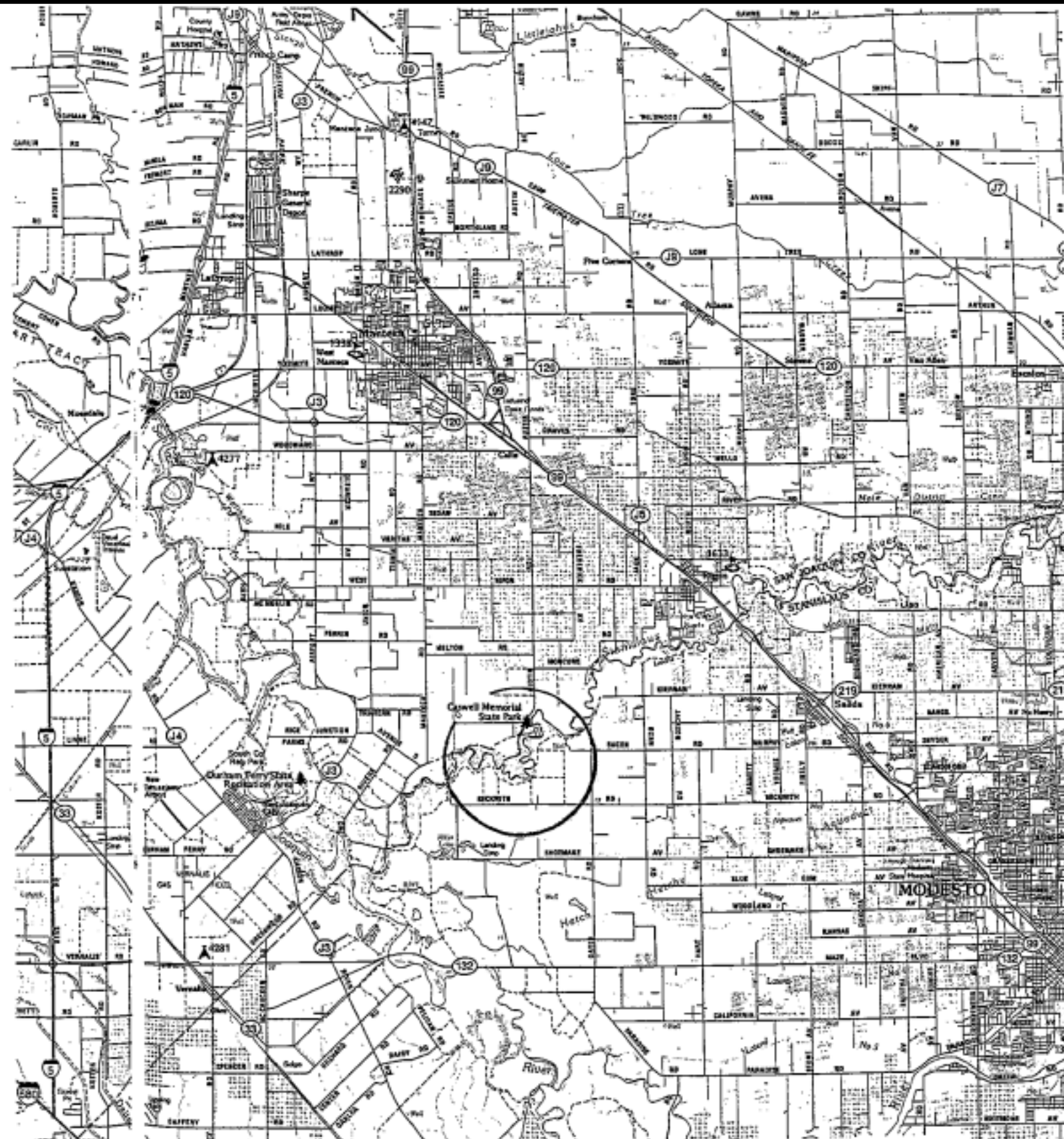


Figure 1 - General Vicinity of Brush Rabbit/Woodrat Habitat Acquisition Area



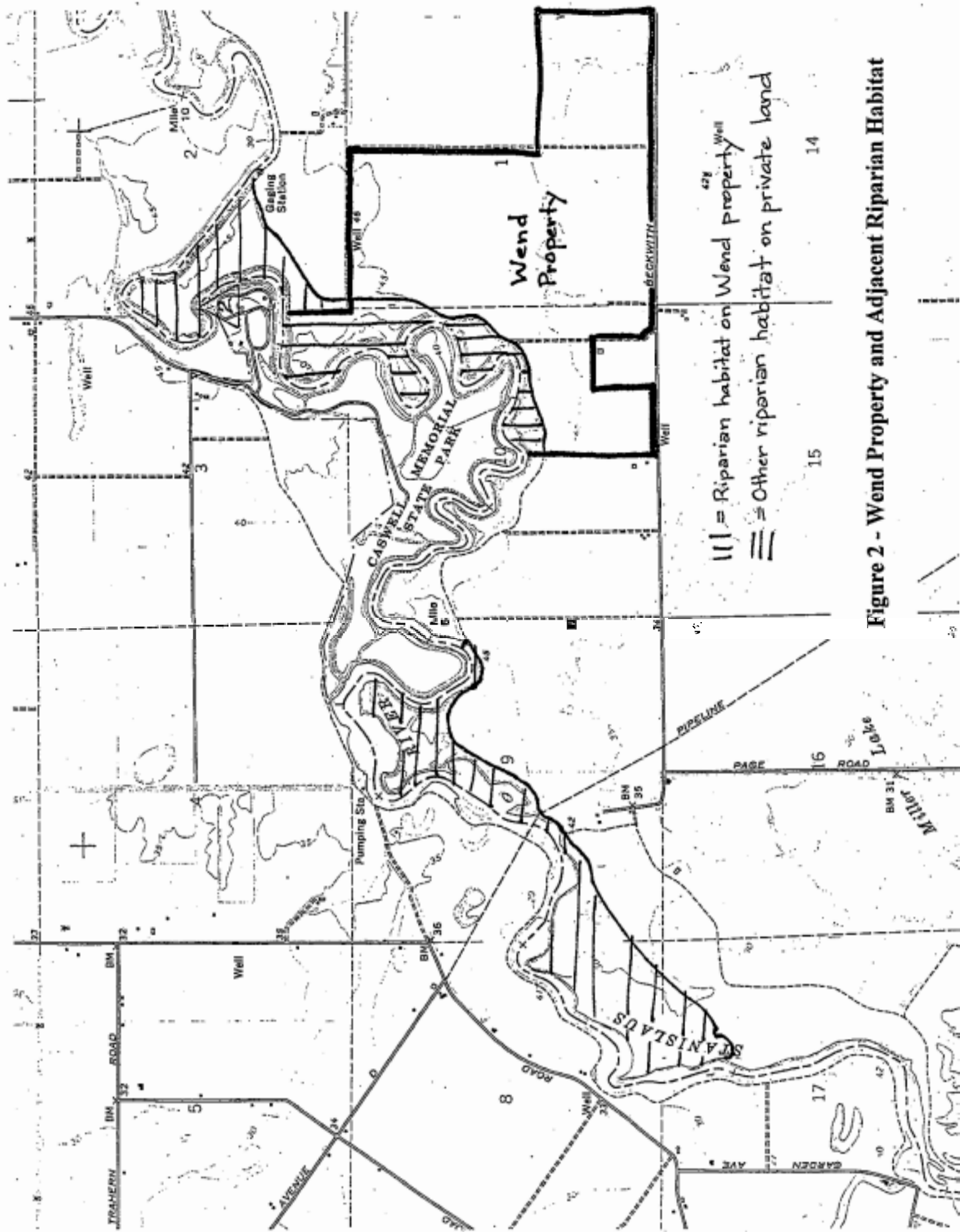
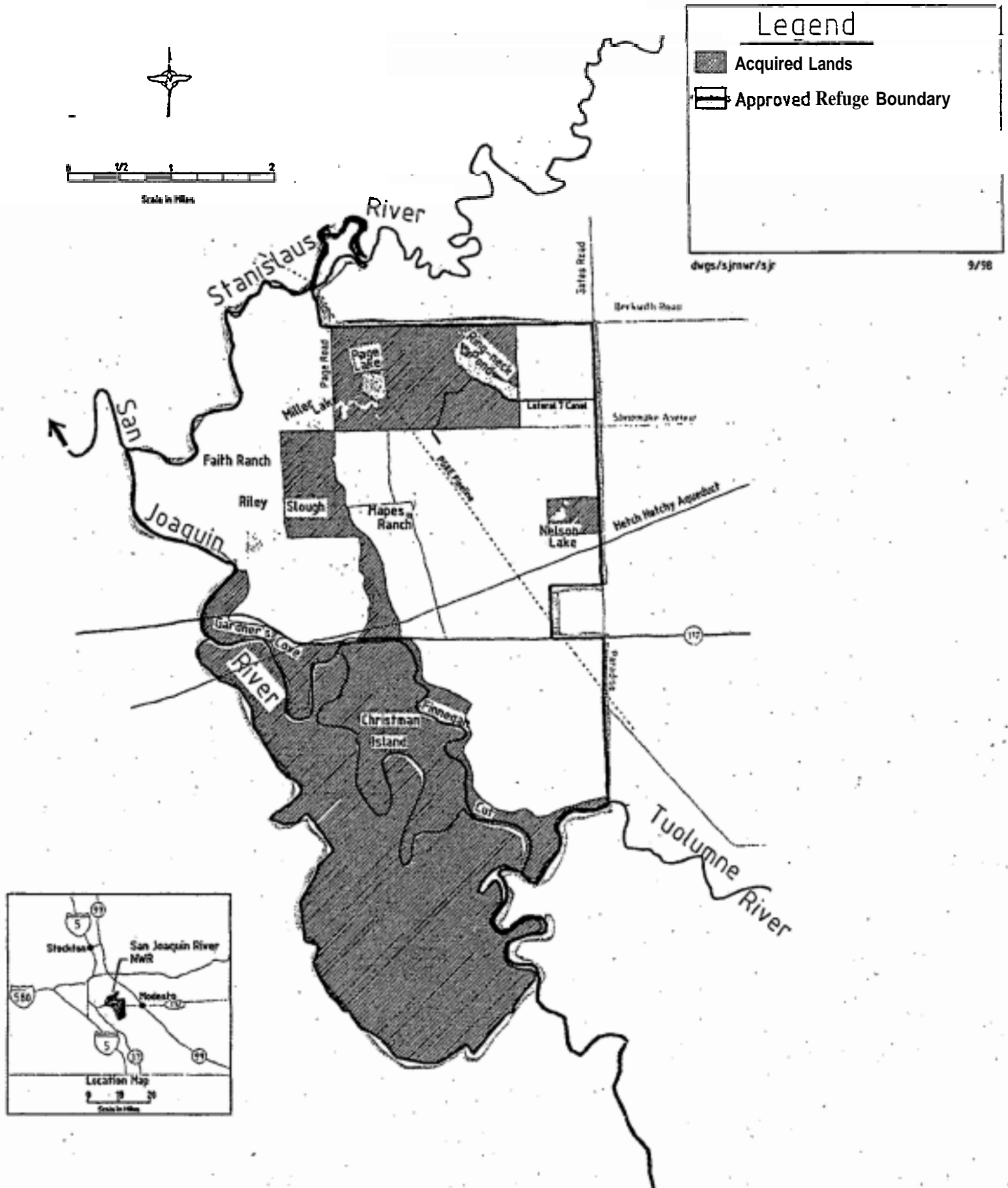


Figure 2 - Wend Property and Adjacent Riparian Habitat

Figure 3 - San Joaquin River National Wildlife Refuge



NONDISCRIMINATION COMPLIANCE STATEMENT

STYL 19 (REV. 3-95) JMC

COMPANY NAME

Endangered Species Recovery Program

The company **named** above (hereinafter referred to as "prospective contractor") hereby certifies, **unless specifically** exempted, **compliance** with Government **Code** Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in **matters** relating to **reporting** requirements and the development, implementation and maintenance of a **Nondiscrimination Program**. Prospective contractor agrees **not to unlawfully** discriminate, **harass** or **allow harassment** against any employee or **applicant** for **employment** because of **sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS); medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.**

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below is made under penalty of perjury under the laws of the State of California

OFFICIAL'S NAME

May 12, 2000

DATE EXECUTED

EXECUTED IN THE COUNTY OF

Daniel Williams

Stanislaus

PROSPECTIVE CONTRACTOR'S SIGNATURE

Chairman, Department of Biological Sciences

PROSPECTIVE CONTRACTOR'S TITLE

California State University; Stanislaus Foundation

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

STATE OF CALIFORNIA

NONDISCRIMINATION COMPLIANCE STATEMENT

STC 19 (REV. 3-95) FWC

COMPANY NAME

Center for Natural Lands Management

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

OFFICIAL'S NAME

Brenda C. Pace

DATE EXECUTED

5/10/00

EXECUTED IN THE COUNTY OF

Deschutes, Oregon

PROSPECTIVE CONTRACTOR'S SIGNATURE



PROSPECTIVE CONTRACTOR'S TITLE

Administrative Director

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

Center for Natural Lands Management, Inc. a 501(c)3 nonprofit CA corp.



Center for Natural Lands Management

A non-profit organization for the protection & management of natural resources

May 10, 2000

Director

Department of Planning and Community Development
Stanislaus county
1100H Street
Modesto, CA 95354-2380

Dear Director:

This is to inform you that the Center for Natural Lands Management (CNLM), a 501(c)(3) land trust, based in Fallbrook, California, is planning land acquisition(s) or purchase of conservation easements in Stanislaus County in conjunction with the U.S. Fish and Wildlife Service. Our intention is to acquire approximately 400 acres of riparian habitat on the Stanislaus River in Stanislaus county. We will solicit acquisitions from willing sellers and acquisitions will be contingent upon agreeing to mutually acceptable terms. The CNLM and the U.S. Fish and Wildlife Service will be applying for grant money to finance this purchase from CALFED and other sources.

The CNLM is expected to be the title holder after completion of the acquisition. After the purchase, the land may be transferred to another conservation organization for habitat restoration, management, and public benefit. We will be interviewing public agencies in the near future as to their interest in land transfer.

If you have any questions in regard to this acquisition, please call Brenda Pace at (541) 330-5533.

Sincerely

Brenda C. Pace
Administrative Director

Sherry Teresa
Executive Director
425 E. Alvarado Street, Ste. H
Fallbrook, CA 92028-2980
760/ 731-7790
FAX 760/ 731-7791
email: cnlmpres@aol.com

Brenda Pace
Administrative Director
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email: jcp@pac@aol.com

Cameron Barrows
So. Calif. Reg. Director
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760/ 343-1234
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Graciela Hinshaw
Preserve Manager
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email: cnlmgac@aol.com

Board of Directors

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DeWitt F. Bowman
Financial Consultant

Don C. Erman, Ph.D.
Centers for Water & Wetland
Resources, University of
California

R. Stewart Honeyman
Bobby Ranch Co.

Michael McCollum
McCollum Associates

Elizabeth Patterson
Planning Consultant

Michael H. Remy
Remy, Thomas & Moore

Douglas A. Unruh
Grups Development Co.

Ex Officio Directors

Larry Eng, Ph.D.
California Department of
Fish & Game

Wayne S. White
U.S. Fish & Wildlife Service

www.cnlm.org

Rise early, stay late and take care of the land



Center for Natural Lands Management

A non-profit organization for the protection & management of natural resources

May 10, 2000

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Larry Eng, Ph.D.
California Department of
Fish & Game

Wayne S. White
U.S. Fish & Wildlife Service

Manager
Caswell Memorial State Park
2800 S. Austin Road
Ripon, CA 95366.

Dear Manager:

This is to inform you that the Center for Natural Lands Management (CNLM), a 501(c)(3) land trust, based in Fallbrook, California, is planning land acquisition(s) or purchase of conservation easements in Stanislaus County in conjunction with the U.S. Fish and Wildlife Service. Our intention is to acquire approximately 400 acres of riparian habitat on the Stanislaus River in Stanislaus County. We will solicit acquisitions from willing sellers and acquisitions will be contingent upon agreeing to mutually acceptable terms. The CNLM and the U.S. Fish and Wildlife Service will be applying for grant money to finance this purchase from CALFED and other sources.

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Sincerely

Brenda C. Pace
Administrative Director



Center for Natural Lands Management.

A non-profit organization for the protection & management of natural resources

May 10, 2000

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Ex Officio Directors

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California Department of
Fish & Game

Wayne S. White
U.S. Fish & Wildlife Service

www.cnlm.org

Regional Manager
California Department of Fish and Game
Region 4

1234 E. Shaw Ave.
Fresno, CA 93710

Dear Regional Manager:

This is to inform you that the Center for Natural Lands Management (CNLM), a 501(c)(3) land trust, based in Fallbrook, California, is planning land acquisition(s) or purchase of conservation easements in Stanislaus County in conjunction with the U.S. Fish and Wildlife Service. Our intention is to acquire approximately 400 acres of riparian habitat on the Stanislaus River in Stanislaus County. We will solicit acquisitions from willing sellers and acquisitions will be contingent upon agreeing to mutually acceptable terms. The CNLM and the U.S. Fish and Wildlife Service will be applying for grant money to finance this purchase from CALFED and other sources.

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Sincerely

Brenda C. Pace
Administrative Director

Environmental Compliance Checklist

All applicants must fill out this Environmental Compliance Checklist. Applications must contain answers to the following questions to be responsive and to be considered for funding. Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding.

1. Do any of the actions included in the proposal require Compliance with either the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), or both?

X
YES

NO

2. If you answered yes to # 1, identify the lead governmental agency for CEQA/NEPA compliance.

U.S. Fish and Wildlife Service

Lead Agency

3. If you answered **no** to # 1, explain why CEQA/NEPA compliance is not required for the actions in the proposal.

4. If CEQA/NEPA compliance is required, describe how the project will comply with either or both of these laws. Describe where the project is in the compliance process and the expected date of completion.

Depending on need, either an EA or an EIR/EIS will be prepared.
The project has not started and therefore the compliance process
has not started.

5. Will the applicant require access across public or private property **that** the applicant does **not** own to accomplish the activities in the proposal?

YES

X
NO

If yes, the applicant must attach written permission **for** access from the relevant property owner(s). Failure to include written permission for access may result in disqualification of the proposal during the review process. Research **and** monitoring field projects for which **specific** field locations have not been identified will be required to provide access needs and permission **for** access with **30** days of notification of approval.

6. Please indicate what permits **or** other approvals may be required **for** the activities contained in your proposal. Check all boxes that apply.

LOCAL

Conditional use permit

☒

Variance

☒

Subdivision Map Act approval

☒

Grading permit

☒

General plan amendment

☒

Specific plan approval

☐

Rezone

☐

Williamson Act Contract

☐

cancellation

☒

Other _____

@lease specify)

None required

☐

STATE

CESA Compliance

☒

(CDFG)

Streambed alteration permit

☒

(CDFG)

CWA § 401 certification

☒

(RWQCB)

Coastal development permit

☐

(Coastal Commission/BCDC)

Reclamation Board approval

☒

Notification

☐

(DPC, BCDC)

Other SHPO, Lands Commission

(please specify)

None required

☐

FEDERAL

ESA Consultation

☒

(USFWS)

Rivers & Harbors Act permit

☒

(ACOE)

CWA § 404 permit

☒

(ACOE)

Other Executive Order 11988,

(please specify) 11990, NHPA,

None required

FWCA

☐

DPC = Delta Protection Commission

CWA = Clean Water Act

CESA = California Endangered Species Act

USFWS = U.S. Fish and Wildlife Service

ACOE = U.S. Army Corps of Engineers

ESA = Endangered Species Act

CDFG = California Department of Fish and Game

RWQCB = Regional Water Quality Control Board

BCDC = Bay Conservation and Development Comm.

Land Use Checklist

All applicants must fill out **this Land Use Checklist** for their proposal. Applications must contain answers to the following questions to be responsive and to be considered for funding. **Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding.**

1. Do the actions in the proposal involve physical changes to ~~the~~ land (i.e., grading, planting vegetation, or breaching levees) or restrictions in land use (i.e., conservation easement or placement of land in a wildlife refuge)?

X
YES

NO

2. If NO to # 1, explain what type of actions are involved in the proposal (i.e., research only, planning only).

3. If YES to # 1, what is the proposed land use change or restriction under the proposal?

Conservation easement on riparian land and possibly on agricultural land. In later phases the land may be included in a wildlife refuge. In later phases changes to levee configurations may be considered.

4. If YES to # 1, is the land currently under a Williamson Act contract?

YES

X
NO

5. If YES to # 1, answer the following:

Current land use

Current zoning

Current general plan designation

flood easement, agriculture
flood easement, agriculture
flood easement, agriculture

6. If YES to #1, is the land classified as Prime Farmland, Farmland of Statewide Importance or Unique Farmland on the Department of Conservation Important Farmland Maps?

YES

X
NO

DON'T KNOW

7. If YES to # 1, how many acres of land will be subject to physical change or land use restrictions under the proposal?

Undetermined. Approximately 400 acres.

8. If YES to # 1, is the property currently being commercially farmed or grazed?

YES

X
NO

Land most likely to be acquired is not being commercially farmed or grazed.

9. If YES to #8, what are

the number of employees/acre

the total number of employees

10. Will the applicant acquire any interest in land under the proposal (fee title or a conservation easement)?

X
YES

NO

11. What entity/organization will hold the interest? Center for Natural Lands Management (CNLM)

12. If YES to # 10, answer the following:

Total number of acres to be acquired under proposal

Approximately 400

Number of acres to be acquired in fee

Undetermined

Number of acres to be subject to conservation easement

Undetermined

13. For all proposals involving physical changes to the land or restriction in land use, describe what entity or organization will

manage the property

CNLM

provide operations and maintenance services

CNLM

conduct monitoring

CNLM/Endangered Species
Recovery Program

14. For land acquisitions (fee title or easements), will existing water rights also be acquired?

Probably yes
YES

NO

15. Does the applicant propose any modifications to the water right or change in the delivery of the water?

YES

Probably not
NO

16. If YES to # 15, describe _____

STANDARD CLAUSES -**SERVICE & CONSULTANT SERVICE CONTRACTS FOR \$5,000 & OVER WITH NONPUBLIC ENTITIES**

Workers' Compensation Clause. Contractor affirms that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor affirms that it will comply with such provisions before commencing the performance of the work under this contract.

National Labor Relations Board Clause. In accordance with Public Contract Code Section 10296, Contractor declares under penalty of perjury that no more than one final, unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a federal court which orders Contractor to comply with an order of the national Labor Relations Board.

Nondiscrimination Clause. During the performance of this contract, the recipient, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age (over 40), or sex. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.), the regulations promulgated thereunder (California Administrative Code, Title 2, Sections 7285.0 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Government Code Sections 11135 - 11139.5), and the regulations or standards adopted by the awarding State agency to implement such article. Contractor or recipient shall permit access by representatives of the Department of Fair Employment and Housing and the awarding State agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Recipient, Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. The Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

Statement of Compliance. The Contractor's signature affixed hereon and dated shall constitute a certification under penalty of perjury under the laws of the State of California that the Contractor has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations, Section 8103.

Performance Evaluation. For consulting service agreements, Contractor's performance under this contract will be evaluated after completion. A negative evaluation will be filed with the Department of General Services.

Availability of Funds. Work to be performed under this contract is subject to availability of funds through the State's normal budget process.

Audit Clause. For contracts in excess of \$100,000, the contracting parties shall be subject to the examination and audit of the State Auditor for a period of three years after final payment under the contract. (Government Code Section 8546.7).

Payment Retention Clause. Ten percent of any progress payments that may be provided for under this contract shall be withheld per Public Contract Code Sections 10346 and 10379 pending satisfactory completion of all services under the contract.

Reimbursement Clause. If applicable, travel and per diem expenses to be reimbursed under this contract shall be at the same rates the State provides for unrepresented employees in accordance with the provisions of Title 2, Chapter 3, of the California Code of Regulations. Contractor's designated headquarters for the purpose of computing such expenses shall be: _____

Disabled Veteran Business Enterprise Participation Requirement Audit Clause. Contractor or vendor agrees that the awarding department or its delegates will have the right to review, obtain, and copy all records pertaining to performance of the contract. Contractor or vendor agrees to provide the awarding department or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose or determining compliance with Public Contract Code Section 10115 et seq. Contractor or vendor further agrees to maintain such records for a period of three (3) years after final payment under the contract. Title 2 CCR Section 1896.75.

Priority Hiring Considerations. For contracts in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the contract to qualified recipients of aid under Welfare and Institutions Code Section 11200. (Public Contract Code Section 10353).

Drug-Free Workplace Certification. By signing this contract, the Contractor or grantee hereby certifies under penalty of perjury under the laws of the State of California that the Contractor or grantee will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code Section 3350 et seq.) and will provide a drug-free workplace by taking the following actions:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
2. Establish a Drug-Free Awareness Program to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace,
 - (b) The person's or organization's policy of maintaining a drug-free workplace,
 - (c) Any available counseling, rehabilitation and employee assistance programs, and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Every employee who works on the proposed contract or grant:
 - (a) Will receive a copy of the company's drug-free policy statement, and
 - (b) will agree to abide by terms of the company's statement as a condition of employment on the contract or grant.

This contract or grant may be subject to suspension of payments or termination, or both, and the Contractor or grantee may be subject to debarment if the department determines that (1) the Contractor or grantee has made a false certification, or (2) the Contractor or grantee violates the certification by failing to carry out the requirements noted above.

Antitrust Claims. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) Part 7 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. See Government Code Section 4552.

If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. See Government Code Section 4553.

Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

Americans With Disabilities Act. By signing this contract, Contractor assures the state that it complies with the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

Corporate Qualifications To Do Business in California. Contractor must be currently qualified to do business in California as defined by the Revenue & Taxation Code, Section 23101 unless exempted. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California.

Former State Employees: a) For the two-year period from the date he or she left State employment, no former State officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any State agency. b) For the twelve-month period from the date he or she left State employment, no former State officer or employee may enter into a contract with any State agency if he or she was employed by that State agency in a policy-making position in the same general subject area as the proposed contract within the twelve-month period prior to his or her leaving State service.

Agreement No. _____

Exhibit _____

ADDITIONAL STANDARD CLAUSES

Recycled Materials. Contractor hereby certifies under penalty of perjury that _____ (enter value or "0" here) percent of the materials, goods and supplies offered or products used in the performance of this Agreement meets or exceeds the minimum percentage of recycled material as defined in Sections 12161 and 12200 of the Public Contract Code.

Severability. If any provision of this Agreement is held invalid or unenforceable by any court of final jurisdiction, it is the intent of the parties that all other provisions of this Agreement be construed to remain fully valid, enforceable, and binding on the parties.

Governing Law. This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

Y2K Language. The Contractor warrants and represents that the goods or services sold, leased, or licensed to the State of California, its agencies, or its political subdivisions, pursuant to this Agreement are 'Year 2000 compliant.' For purposes of this Agreement a good or service is Year 2000 compliant if it will continue to fully function before, at, and after the Year 2000 without interruption and, if applicable, with full ability to accurately and unambiguously process, display, compare, calculate, manipulate, and otherwise utilize date information. This warranty and representation supersedes all warranty disclaimers and limitations and all limitations on liability provided by or through the Contractor.

Child Support Compliance Act For any Agreement in excess of \$100,000, the Contractor acknowledges in accordance therewith, that

1. The Contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with Section 5200) of Part 5 of Division 9 of the Family Code; and
2. The Contractor, to the best of its knowledge, is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department

